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**Amendments to the Drawings:**

None.

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### **REMARKS/ARGUMENTS**

Claims 1-12 are pending in this application and stand rejected. Claims 13-15 have been added by this Amendment.

In the Office action mailed December 16, 2004, the Examiner rejected claim 1-4 and 10-12 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,725,794 to Bruhnke et al. Claims 5-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,725,794 to Bruhnke et al. ("Bruhnke '794").

Applicant respectfully traverses these rejections. First, Bruhnke '794 does not anticipate claim 1, because it does not disclose a coolant comprising a dye that maintains the electrical conductivity of the coolant at 10  $\mu$ S/cm or lower at 25°C. As such, claim 1 and claims 3-13, which depend on claim 1, are allowable over Bruhnke '794. In addition, claim 12 is allowable, because Bruhnke '794 does not disclose the use of an anti-rust additive and an anti-foam agent. Also, new claim 13 is allowable, because Bruhnke '794 does not disclose the ethylene glycol being no more about 50% by weight. Claim 2 is allowable, because Bruhnke '794 does not disclose a dye that passes through a cation or anion exchanger provided in the fuel cell stack.

In addition, Bruhnke '794 does not disclose the dyes recited in claims 5-9. Applicant respectfully disagrees with the Examiner's finding that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the dyes recited in claims 5-9. Applicant challenges the Examiner's assertion that it is well known in the art that the various dyes are used interchangeably and are recognized equivalents pursuant

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to M.P.E.P. § 2144.03. It is not appropriate to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. M.P.E.P. § 2144.03. Therefore, the rejection of claims 5-9 under 35 U.S.C. 103(a) should be withdrawn.

New claims 14 and 15 are allowable, because Bruhnke '794 does not disclose a dye for maintaining the electrical conductivity of the coolant at 10  $\mu$ S/cm or lower at 25°C that is selected from the group consisting of Solvent Blue 63, Acid Blue 74 and Acid Red 52. In addition, claim 15 is allowable, because Bruhnke '794 does not disclose the ethylene glycol being no more than about 50% by weight.

For the reasons stated above, Applicant submits that the application is in a condition for allowance. Therefore, Applicant respectfully requests that a timely notice of allowance be issued in this case.


Respectfully submitted,



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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent Office, Facsimile No. (703) 872-9306 on May 16, 2005.

  
Cecilia M. Sidebottom Date of Signature 5/16/05